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Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

Re: Media Arts Academy of Centinela - "Request for Review"
CC Docket No. 02-6
Billed Entity Number: 16020635
Form 471 Application Number: 512220
Funding Request Number(s): 1408942, 1408970, 1409002, 1409066
Appeal Decision Dated: January 25, 2007

To Whom It May Concern:

In a FCDL dated 10/31/06, Media Arts Academy of Centinela (BEN 16020635) was denied funding for Basic Maintenance of Internal Connection (FRN 1409066) and three Internal Connections requests (FRNs 1409002, 1408942, 1408970). All FRNs were denied for the following reason -- "This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for Basic Maintenance of Internal Connections has not been justified as cost effective as required by FCC rules".

An Appeal was filed with USAC on November 28, 2006. The denial of Basic Maintenance Funding was disputed based upon the original merit of the funding request, and the denial of the other Internal Connections funding requests were disputed solely on the grounds for denial - "This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for Basic Maintenance of Internal Connections has not been justified as cost effective as required by FCC rules".

FRNs 1408942, 1408970 and 1409002 cannot be denied based upon the reason provided. These funding requests were not for Basic Maintenance of Internal Connections! In this appeal I will provide rationale for our evaluation process and for cost effectiveness, but to be clear, these were not the stated grounds for denial.

All Year 9 471 Applications for BEN 16020635, Media Arta Academy of Centinela, underwent rigorous "Cost Effectiveness Review". We provided reams of documentation supporting our process and supporting our choices. The reasons stated in the USAC Appeal Denial show a complete lack of consistent exposure to this process. As an example -- during Cost Effectiveness review we were asked to justify the number of cabling drops.

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We stated that the technology plan and charter of the school call for an expansion to 250 students during the three years covered by the aforementioned plans. While this was sufficient to have the cabling approved, it appears that the reviewer did not assimilate this information and needed to have it repeated further down the page in response to the number of switch ports and then again for Client Access Licenses. For each FRN denial the letter stated that "FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost effective service or equipment offering, with price being the primary factor, which will result in being the most cost effective means of meeting educational needs and the technology plan goals."

I have included a copy of one of the "Cost Effective Review" questionnaires and our responses. We directly address each and every concern, in a manner entirely in line and consistent with program rules and intent. Our evaluation process included a four person evaluation committee. Each member had an independent opportunity to evaluate all responses and provide their scoring based upon a system that used Price as the most heavily weighted criteria.

Funding Request Number: 1408942

We are cancelling this funding request. Based upon the high bandwidth requirements of the curriculum we are delivering/planning to deliver over the school network, we no longer feel that wireless technology is viable.

Funding Request Number: 1408970

"According to USAC records, applicant during initial review was granted an opportunity to explain why 3 Cisco 2950-48 port switches and 3 Cisco 2950-24 port switches totaling 216 ports are appropriate and cost effective for a school of 91 students." In our Cost Effectiveness Review we made the point that our Technology Plan and the school charter call for an expansion to 250 students within the three year period covered by the plans. E-Rate program instructions say to "establish clear goals and a realistic strategy for using telecommunications and information technology to improve education". We are also aware of the ramifications of the two-in-five rule which would preclude us from adding to our infrastructure on an ongoing basis. The request for 216 ports is entirely reasonable within program rules. The criticality of this funding request increases based upon the curriculum plans of the school and the bandwidth requirements that these switches would support. The process we undertook to qualify vendors, seek proposals and evaluate is also entirely consistent with program rules. I have included copies of our evaluation worksheets for this FRN. A committee of 4 stakeholders reviewed each proposal and using the criteria repeated in our Cost Effectiveness Review, made the decision to procure this product from this vendor. The model numbers selected are very conservative and do not in any way represent an extravagant or "gold plated" solution for our school. The price for these switches is entirely within reason, as determined by their price being both below list price

and comparing favorably with on line catalog prices, as are the installation and configuration costs. Our committee made their decision based upon the following criteria:

20% Price
18% Understanding of Needs
18% Prior Experience
16% Personnel Qualifications
16% Financial Stability
14% Bidders Meeting

This evaluation matrix is entirely consistent with stated program rules. Our evaluation process was entirely consistent with stated program rules.

Based upon information we have provided showing absolute compliance with program rules and alignment with program goals --

- Alignment with Tech Plan
- Cost Effective Solution
- Appropriate and effective bid evaluation process --

we request that USAC's decision to deny our appeal be reversed.

Funding Request Number: 1409002

"According to USAC records, applicant during initial review was granted an opportunity to explain why 500 Microsoft Licenses are appropriate and cost effective for a school of 91 students.....Additionally USAC has determined that 75 hours of installation/configuration for the Microsoft Exchange E-Mail software is excessive and not cost effective:.

The request is not for 500 Licenses -- it is for 250 licenses for each of two different eligible software. In our Cost Effectiveness Review we made the point that our Technology Plan and the school charter call for an expansion to 250 students within the three year period covered by the plans. E-Rate program instructions say to "establish clear goals and a realistic strategy for using telecommunications and information technology to improve education". We are also aware of the ramifications of the two-in-five rule which would preclude us from adding to our infrastructure on an ongoing basis. The request for 250 licenses is entirely reasonable within program rules. The technical specification for the Exchange software calls for software installation, connecting the server to the school LAN providing access to the school domain, configuration of the requisite number of user accounts (up to 250 @ app. 15 minutes each) and administrative training for the school staff. While it is my hope that it takes less time than we've allocated, it is our responsibility to make sure we allocate sufficient time and budget to

complete the task. Based upon our four member committee's evaluation of responding vendors, using the evaluation matrix consistent with program rules -

20% Price
18% Understanding of Needs
18% Prior Experience
16% Personnel Qualifications
16% Financial Stability
14% Bidders Meeting

we appropriately selected this solution from this vendor.

There is another issue with the initial denial of funding and the subsequent reason for denial of appeal. The total price for the items noted as "not cost effective" is \$10,225.00. The total for the FRN is \$78,594.43. USAC had the option to reduce the funding commitment based upon their view of cost effectiveness and still fund the rest of the FRN.

Based upon information we have provided showing absolute compliance with program rules and alignment with program goals -

- Alignment with Tech Plan
- Cost Effective Solution
- Appropriate and effective bid evaluation process -

we request that USAC's decision to deny our appeal be reversed.

Funding Request Number: 1409066

"Since FRN 1409066 is to cover maintenance cost on equipment requested on previously listed ineligible FRNs, USAC has determined that this funding request does not qualify for discounts under the rules of the Schools and Libraries Support Mechanism".

I have included a spreadsheet showing how the funding request was calculated. There are items that Basic Maintenance of Internal Connections was requested for that were actually funded. These include telephone switch, cabling and firewall. No funding was issued to covered basic maintenance for these items. No conversation was had to determine if the funding request should be reduced to align with the FRN being funded. This decision was made without any input or consultation with the applicant. It does not speak well of the intent of the reviewer.

Based upon the outcome of the appeal of FRNs 1408970 and 1409002 we would like to revise the amount of this funding request to be consistent with the items and services being funded. Based upon information we have provided showing absolute compliance with program rules and alignment with program goals, we request that USAC's decision to deny our appeal be reversed.

During the initial review of our funding requests we responded to requests for information from two reviewers – a PIA reviewer and a Cost Effectiveness Reviewer. Many of the information requests were for the same information. In conversation with each reviewer it became apparent that there was no coordination or information sharing between these two reviewers. Our review became a very invasive and redundant process. We share a strong desire to maintain the viability of the E-Rate program and the tremendous value it represents to its participating schools. We are also concerned that overzealousness to eliminate waste, fraud and abuse leads to a mentality that everyone is trying to “get one over” on the program. To Media Arts Academy of Centinela, E-Rate represents an opportunity to create a technology environment that will allow it to meet the goals sets by the school charter and the school technology plan. This is an opportunity that would not exist without E-Rate. We have complied with every program rule. We have responded to every information request. There is NOTHING in our efforts that is inappropriate. We are simply asking for a thorough review of the process we have undertaken, clarifying questions to be asked if needed, and a decision that will allow us to provide the services to our students that the E-Rate program was created to provide.

Thank you,

Ron Weiler
818-427-2884
ron@rnwconsultinginc.com